

1 IN THE UNITED STATES DISTRICT COURT

2 FOR THE DISTRICT OF OREGON

3 PORTLAND DIVISION

4 SEAN COLBY HOARD, )  
5 )  
6 Plaintiff, ) Case No. 2:13-cv-02161-BR  
7 v. )  
8 ) January 8, 2019  
9 SNAKE RIVER CORRECTIONAL )  
10 INSTITUTION, et al. )  
11 )  
12 Defendant. ) Portland, Oregon  
13 )  
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14 SHOW CAUSE HEARING

15 TRANSCRIPT OF PROCEEDINGS

16 BEFORE THE HONORABLE ANNA J. BROWN

17 UNITED STATES DISTRICT COURT SENIOR JUDGE

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1 APPEARANCES  
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3 FOR THE DEFENDANT(S) :

4 ANDREW D. HALLMAN  
Oregon Department of Justice  
1162 Court Street NE  
Salem, OR 97301  
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16 COURT REPORTER: Jill L. Jessup, CSR, RMR, RDR, CRR, CRC  
United States District Courthouse  
1000 SW Third Avenue, Room 301  
Portland, OR 97204  
17 (503)326-8191  
1819 \* \* \*  
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## 1 TRANSCRIPT OF PROCEEDINGS

2 (January 8, 2019)

3 (In open court:)

4 THE COURT: Good morning, Mr. Hallman.

5 MR. HALLMAN: Good morning, Judge.

6 THE COURT: We're here in the matter of Hoard against  
7 Hartman and others, which is Civil No. 13-02161. This matter  
8 was tried to a jury, resulted in a defense verdict that was  
9 overturned on appeal. A mandate was issued. The matter was  
10 back before the Court. But counsel who had represented the  
11 plaintiff, Mr. Hoard, on appeal, withdrew. The defendant  
12 then -- defendants then filed a motion for an order for  
13 plaintiff to appear and show cause why the matter should not be  
14 dismissed for his failure to prosecute. I issued that order  
15 and directed that the plaintiff file on or before December 28 a  
16 current address with the Court. I also included in that order  
17 a direction to defendant -- defendants to ensure service on the  
18 plaintiff by registered mail at the plaintiff's mother's  
19 address and to send a copy of the order to plaintiff's prior  
20 trial counsel and appellate counsel and probation officer.

21 Mr. Hallman is here on behalf of defendants. Today is the  
22 time set for the plaintiff to appear and show cause why the  
23 matter should not be dismissed.

24 Mr. Hallman, can you update this record with respect to  
25 the efforts made to notify Mr. Hoard of his duty to report

1 today?

2 MR. HALLMAN: Thank you, Your Honor. The initial  
3 order to show cause -- or motion for order to show cause  
4 demonstrates my efforts to contact both his probation officer  
5 and then -- the only one I was able to actually contact was  
6 plaintiff's mother, and I did speak with her, who said she  
7 would get a message to Mr. Hoard. To date, I have not had any  
8 contact with Mr. Hoard. The last attempts we made was pursuant  
9 to the Court's order where we mailed the order to show cause to  
10 all the prior counsel, probation officer, and then certified  
11 mail to plaintiff's mother's address, and then filed a  
12 certificate of service at Docket 154.

13 Since that time, we have not heard anything from  
14 Mr. Hoard.

15 THE COURT: All right. Then pursuant to the order to  
16 show cause and the showing made just now and in the record, I'm  
17 dismissing this matter for lack of prosecution and dismissing  
18 it with prejudice.

19 MR. HALLMAN: Thank you, Your Honor.

20 THE COURT: Thank you. We are off the record.

21 (Hearing concluded.)

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1 C E R T I F I C A T E  
23 Sean Colby Hoard  
45 v.  
67 Snake River Correctional Institution, et al.  
89 2:13-cv-02161-BR  
1011 SHOW CAUSE HEARING  
1213 January 8, 2019  
1415  
16 I certify, by signing below, that the foregoing is a  
17 true and correct transcript of the record, taken by  
18 stenographic means, of the proceedings in the above-entitled  
19 cause. A transcript without an original signature, conformed  
20 signature, or digitally signed signature is not certified.  
2122 /s/Jill L. Jessup, CSR, RMR, RDR, CRR, CRC  
2324 Official Court Reporter  
25 Oregon CSR No. 98-0346Signature Date: 10/21/19  
CSR Expiration Date: 9/30/20